

Application No. 10/070,966
Applicant: Udo HOLKER
Amendment Dated January 22, 2004
Reply to Office Action of October 22, 2003

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of this application in view of the amendments above and the following comments.

Because the Examiner renumbered the claims, and Applicant was unsure whether the dependency thereof was also changed, Applicant has replaced the previous set of claims by a new set of claims. For the Examiner's convenience, Applicant points out that the new claims correspond to the previous claims as follows:

<u>New Claim:</u>	<u>Previous Claim:</u>
53	27
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76, which replaces previous claim 49, uses the phrase "fermentable microorganism." Applicant submits that such phrase is not indefinite since persons skilled in the fermentation art know what microorganisms are fermentable.

Finally, with respect to the Examiner's fifth bullet point, Applicant points out that claims 78 and 79, which replace previous claim 51, are indirectly dependent on claim 71, which, in turn, recites a recovery step. Accordingly, these claims need not recite a recovery step.

In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS MCLAUGHLIN & MARCUS, P.A.

By

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment (10 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: January 22, 2004

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